

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
MARCH 4, 2015

NOTE: The Public Session was called to order at 10:00 A.M. President, Shirley Birenz, RDH

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH; Peter Clemente, DMD;
Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein,
DDS; Roger Kriete, DMD;

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Cecilia Moreira, Senior
Management Assistant

ABSENT: Elizabeth Clemente, DDS; Richard D. Riva, DDS; Emil Cappetta, DDS;
Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: February 18, 2015 - Approved as amended.

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Padma Mukherjee (Hand-out) - Application for a dental license.
Request from Dr. Mukherjee for reconsideration of the Board's decision from
February 18, 2015 which indicated that based on the information provided Dr.
Mukherjee did not show that she passed each section of the WREB with a score of at
least 75. Dr. Mukherjee must take the ADEX exam including the periodontal section
in order to qualify for licensure in New Jersey.
Dr. Mukherjee was present at the meeting and addressed the Board concerning her
appeal.
The Board in a motion by Dr. DeRobertis, seconded by Dr. Battaglia, moved to
Executive Session for deliberation.

Upon return to public session the Board determined to obtain an expert to review
Dr. Mukherjee's WREB scores to review the scoring methodology used by WREB.

B. Continuing Education:

The continuing education committee recommended approval of courses submitted.
The courses concerning injectable pharmacologics will be placed on a Board agenda for
review.
The Board approved the committee's recommendations.

III. LEGISLATION:

1. S-2729 - Authorizes health care practitioners to provide health care services through telemedicine. After discussing this proposed legislation, the Board determined to be neutral.
2. S-2378 - Extends “Overdose Prevention Act” immunity provisions to certain professionals and professional entities, and permits needle exchange programs to obtain standing order for opioid antidote dispensation. This bill was signed by the Governor on February 5, 2015. The Board took this as informational.

IV. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Rutgers School of Dental Medicine - The Board took this as informational.
2. Dr. Brian S. Krost - The Board took this as informational.
3. Dr. Dawn M. Kelly - The Board took this as informational.
4. Dr. Stuart H. Meyer - The Board took this as informational.

V. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED:

1. Stacey Carroll, Dental Hygienist - A Provisional Order of Discipline was filed by the Board on December 30, 2014. Ms. Carroll did not submit a response to this Provisional Order. The Board determined to finalize the Provisional Order, which provides for Ms. Carroll’s dental hygiene license to be suspended until such time as she cooperates with the Board’s investigation.
2. Karen F. Wright, Dental Hygienist - A Provisional Order of Discipline was filed by the Board on January 21, 2015. Ms. Wright provided a response to the Provisional Order requesting leniency.
The Board moved this matter to Executive Session for deliberation.

Upon return to Public session, the Board in a motion by Dr. DeRobertis, seconded by Dr. Kriete, determined to table its decision in this matter, and ask for additional information from Ms. Wright concerning hardship.

VI. ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD:

The Board took the following as informational.

1. Dr. Anthony Navilio - Settlement Letter filed on February 3, 2015.
2. Dr. Walter A. Bilotta - Order Removing Restrictions on License filed on February 10, 2015.
3. Dr. Ewa Marcinkiewicz-O’Brien - Consent Order filed on February 10, 2015.
4. Dr. Kim Lyvan - Settlement Letter filed on February 10, 2015.
5. Dr. Aleksandr Gurvich - Consent Order filed February 12, 2015.
6. Dr. Runjan Seth - Consent Order filed on February 20, 2015.
7. Dr. Barbara Maronpot - Interim Consent Order filed on February 25, 2015.

VII. OTHER MATTERS:

1. The Board reviewed an inquiry from Matthew R. Wetzel, Acting Manager, Drug Control Unit, concerning prescribing of CDS by a dentist. Mr. Wetzel is forwarding an inquiry from Dr. Abraham Speiser. The scenario presented is an office where there are two dentists. Both are full time in the same office. One has CDS permit and the other one does not. One of the dentists treats the patient who needs a strong analgesic. Can the second dentist, after reviewing the treatment record, prescribe the medication if the other dentist is not available?
The Board determined that additional information be obtained, including: are both names on the prescription and in the same office, and are either of the dentist's privileges restricted in anyway?
2. The Board reviewed correspondence from Dr. Jacob M. Bagley questioning whether there is any recognition for volunteer services that are rendered overseas towards continuing education credit requirement for licensure renewal. The Board in a motion by Dr. Dolinsky, seconded by Dr. DeRobertis, determined that because the Dental Practice Act refers to volunteer services provided in New Jersey, his service does not meet the requirements. The Board recognizes the value of the treatment he provided and thanks him for his volunteer services.
Dr. Peter Clemente abstained.
3. The Board reviewed correspondence from Sara R. Gallagher, Vice-Chair, Board of Polysomnography, questioning whether the dental scope of practice allows the performance of home sleep testing. The Board repeated its prior determination that a dentist cannot order or interpret the home sleep test, or screen, treatment plan or diagnose sleep apnea patients. The Board noted that the sleep apnea issue has been referred to a committee of the Board to draft a regulatory proposal.
4. CODA - Commission on Dental Accreditation Unofficial Report of Major Actions. The Board took this as informational.
5. ADA (Hand-out) - Information concerning the 2015 National Dental Examiners' Advisory Forum. The Board took this as informational.
6. Arthur Meisel, Esq., New Jersey Dental Association requested an update on the inquiry questioning whether registered dental assistants are permitted to take 3D digital scans. The Board noted that this had been referred to a committee and will be listed for the March 18, 2015, public agenda.
7. The Board reviewed an article entitled "Straighter Teeth, by Mail." The Board took this as informational.

VIII. ITEMS BEING REPORTED IN PUBLIC SESSION THAT WERE PREVIOUSLY MOVED TO EXECUTIVE:

1. Dr. Seth Marguiles - The Board reviewed additional information requested at the January 7, 2015, meeting concerning an incident that occurred in the office. The Board took this as informational.
2. Dr. Michael F. Sullivan - The Board reviewed additional information requested at the August 6, 2014, meeting concerning an incident that occurred in the office. The Board took this as informational.

IX. APPEARANCES:

1. 11:00 A.M. - Dr. Susan Fox - Application for a New Jersey dental license. Dr. Fox appeared before the Board to discuss information disclosed on her application for a New Jersey dental license. The matter was moved to Executive Session at Dr. Fox's request.

Upon return to public session, the Board approved Dr. Fox's license with an Order outlining the same restrictions as currently in place by the Pennsylvania Board of Dentistry.

- X. ADJOURNMENT:** The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.